

## **BOARD OF DESIGN REVIEW MINUTES**

**October 14, 1999**

**CALL TO ORDER:** Chairman David Williams called the meeting order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

**ROLL CALL:** Present were Chairman David Williams; Board Members Hal Beighley, Walter Lemon, and Anissa Crane. Renee Cannon and Stewart Straus were excused.

Staff was represented by Associate Planner Colin Cooper, and Recording Secretary Cheryl Gonzales..

### **VISITORS**

BARBARA WILSON, 12820 SW 20th Ct., Beaverton, Oregon, 97008, requested an opportunity to address a non-agenda item. Ms. Wilson stated she had participated in both the Polygon hearings. This was her first experience recently with the Board of Design Review (BDR). She stated she was acquainted with Hal Hewitt when he was a City Planner. They had both worked very hard to pass an ordinance which established the BDR, and at the same time established a 15% landscaping requirement. Ms. Wilson stated she had not been back to the BDR to see how things had progressed since that time. She related she was profoundly disappointed and felt that if the BDR could have seen the Polygon hearings through her eyes, they would not have been very proud of themselves. Ms. Wilson stated she had the misperception that the City had an interest in preserving trees. However, when Polygon came before the BDR, Colin Cooper talked about the removal of an oak tree that was 24 inches in diameter, possibly 150 years old, an Oregon White Oak tree. She stated not one of the BDR members asked any questions about that tree. It appeared they did not care; it could just be bulldozed down. Fred Gast told the BDR he would replace that tree with five White Oak trees. Ms. Wilson did not think that this was a bargain; five young trees that would probably die in the summer heat because they would not be watered. She felt that because the BDR did not ask any questions, and did not ask Mr. Gast if the plan could be redesigned to save the tree showed that the BDR did not care. This was a serious concern for her.

She stated that Mr. Doty, one of the speakers from the Make Our Park Whole Committee, was asked something like what his recommendation would be with regard to developing the property. She and others believed the standard answer to that question would have been be "there is value in land that is not developed. There is value to the community in open space, green spaces." She added this zone would have allowed for a park. It was one of the permitted uses. She stated what the committee was trying to do was to go from government agency to government agency making applications for money to buy that property. They were

also trying to find time before the property was bulldozed so it could be added to nature park. Ms. Wilson stated there were some people who thought 195 acres was enough for a park. The Aspen Woods property was so integral to the protection of the park that it was thoroughly hashed out during the hearing. She asked the BDR to remember one thing - Central Park in New York City was 840 acres of the most expensive commercial property in the world. New Yorkers were aware it was a valuable piece of property. There was a value in open space to a community, she added that every single piece of property in this City did not need to be developed.

Ms. Wilson stated she found the most insulting part with regard to the BDR was Mr. Hal Beighley's yawning during the meeting. At break time, she walked up and said to him "Mr. Beighley, you are giving the impression to the audience that you are totally bored", where upon she said he stated he was. Her comment to the members of the BDR was that if they did not want to serve, they did not have to. They were appointed by the Mayor, and represent the City of Beaverton. If members did not like this job, then they shouldn't do it. They could notify the Mayor they quit. If the Board were to be disbanded, it wouldn't be such a terrible thing Ms. Wilson stated. The staff could review the plans. It was Ms. Wilson's opinion that the performance, attitude and interface with the public could be improved, and she thought it should be.

Chairman Williams noted for the record that there was no response at that time to Ms. Wilson's address.

Chairman Williams asked if there were any members of the Board who wished to declare any ex parte contact or conflict of interest in any of the hearings on the agenda, or for any reason disqualify themselves from participation. There were none.

No one challenged the right of any member of the Board to participate in these hearings. No one requested a continuance to a later date for any agenda item.

## **OLD BUSINESS**

### **CONTINUANCE**

Chairman Williams stated the decision before the Board was is a limited land use decision. A limited land use decision was a final decision where determination was made by the local government and pertained to a site within an urban growth boundary. Approval or denial of an application was based on discretionary standards designed to regulate the physical characteristics of the use permitted including, but not limited to, site review and design review. The limited land use decision is subject to ORS 227.173 paragraph 2. The decision by the Board of Design Review would be memorialized in a land use order.

#### **A. BDR 98097/VAR 98009 - PRECISION AUTO BUILDING ADDITION**

*(Continued from September 23, 1999)*

Request for Design Review approval to construct an approximately 8,732 square foot secondary

building at the existing Precision Auto site. The building proposes ten automobile bays in which additional off-street parking is being proposed to allow for the increased parking requirements. A Design Variance is also being requested to reduce the required rear setback from 20 feet to 9 feet. The site is within the General Commercial (GC) zone. The site is located south of SW Carousel Court, west of SW 141<sup>st</sup> Avenue, north of SW Tualatin Valley Highway, east of SW 144<sup>th</sup> Avenue, and is approximately 1.08 acres in size. Map 1S1-9CC, Tax Lot 3200.

The Staff Report was given by Mr. Colin Cooper. He reported he had a video of the site, however no one requested to view it at the meeting. He stated the request was for an approximately 4,958 square foot metal building in the general commercial zone. The applicant was requesting this building in order to provide storage for cars on the existing site that was outside on asphalt, or paved area. It was simply to put these automobiles inside to protect them from the weather. The sites surrounding the subject site are all zoned general commercial. The video highlighted the character of the neighborhood, which was general commercial. To the north was a storage building/garage and a pipe-fitting yard with storage; east was Steve's Rental Storage Yard with container boxes lined up; to the west there was a U-Haul Rental. Staff felt the design variance was reasonable, considering the grade difference and the level of the construction in the metal building not being so significant that redevelopment, in the event that that should ever occur, would not be precluded dramatically by this investment. The building has a shed roof, 14 foot in height on the rear property, which is not that significant a mass. Mr. Copper noted, for the record, that this particular proposal had been previously approved by the Board of Design Review in 1989. Both the design review of the metal building and the design variance were approved at that time. The only significant issue had been the length of the building because of a water line easement that ran diagonally across the site, it was for that reason the building had been shortened by two feet. Otherwise, the building was without a significant amount of glazing or any other significant design feature, simply for the fact of security and utilitarian use of the general commercial zone.

Mr. Cooper stated staff had recommended approval of proposal.

Mr. Lemon noted that the gutter and downspout systems on the sloped roof on the back of the building, backed up to a landscaped area and there was nothing that showed how the water would be collected.

Mr. Cooper reported that this was certainly a requirement of the building division, so when the building plans were submitted they would definitely have to tie this in somewhere. He suggested the applicant might have more information at this time. He also noted that because of the closed surface where the building was being placed, which was already impervious, the applicant would not required to do any additional detention.

HAL HEWITT, Greenhill and Associates, 9999 SW Wilshire #222, Portland, OR 97005, represented Mr. Mason Monroe, owner of Precision Auto Body. Mr. Hewitt stated he had nothing to add to the Staff Report but did comment that it had been a very arduous process getting this far and getting back to the Board for the project that was approved 10 years ago but unfortunately did not get built.

Mr. Lemon requested clarification with regard to the water collection system. He realized that, according to the document that he saw, they were taking out some landscaping and asphalt parking in that area, putting in the building and then relandscaping behind the building along the property line along Carousel Street. Mr. Lemon stated he presumed that the parking area that was being removed was somewhat sloped so as to shed water back into the property.

In response, Mr. Hewitt stated there were two storm drains in the parking lot now. The water would simply run on the present contours over one of those drains. To further clarify Mr. Lemon's question, Mr. Hewitt stated there would be gutters and downspouts added that would lead to the drop inlets.

Mr. Lemon stated the Board could make that a condition to make certain it would get picked up.

Mr. Hewitt further added that Mr. Monroe, the owner, had owned the property for 20 years, and thought the owner understood the storm drainage demands quite well. That was why the lot was surfaced the way it was with the drain inlets. Additionally, Mr. Hewitt stated that on the site plan, the diagonal utilities had created somewhat of a small problem in siting this building. It was not the water line, as the water line was on the left side. It was Mr. Hewitt's belief that storm water would even be a remote issue.

Mr. Lemon clarified his question by stating the roof sloped back toward Carousel Street, which would have the water run off to the back, along Carousel.

Mr. Hewitt stated it was angled to the east. This was not a problem because the site had been fully contoured, dished, so that all the water would drain to one of two points. It had been built under the City of Beaverton storm water retention requirements. The water, from the back of the roof, would be carried toward the east via a pipe, if necessary, to a point where it would drain into one of the existing drop inlets.

Chairman Williams stated he understood, the drawings/plans may not show gutters, even though they were intended. However, the Board wanted it on the record that that was the intent.

Mr. Monroe stated it had always been their intention to put a gutter back there to route the water to the front.

Mr. Lemon noted that one of the neighbors, Mr. Steve Reynold, had come before the Board previously, regarding the storage unit and until then, they had not thought about that. The drawings did not show it and the roof was kicking water over in to the neighbor's yard. That was why it was brought up to be given attention.

Mr. Hewitt reported there was no neighbor impact here whatsoever. There was landscaping there. None of the water could possibly reach the street.

Mr. Monroe stated they were nine feet from the property line and the building was set within the asphalt parking lot. There will be a gutter back there, under the eaves to route the water to the front. There will be one on either end for redundancy in the system and if one became clogged.

Chairman Williams also noted there was a downspout at the northeast corner right next to asphalt. At the other end, piping would be required because it is dumping into the landscaping, according to the landscape drawings. Something would have to be done to get it the length of the building. He noted he wanted to make sure Mr. Monroe was aware of this.

Mr. Lemon MOVED and Ms. Crane SECONDED a motion to approve VAR98009, Precision Auto Building, based upon the testimony, reports and exhibits presented to public hearing on the matter and upon the background facts and findings including the Staff Report dated October 14, 1999 including conditions 1 through 2.

The question was called and the motion CARRIED unanimously.

Mr. Lemon MOVED and Ms. Crane SECONDED a motion to approve BDR 98097, Precision Auto Building, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions filed in the Staff Report dated October 14, 1999 including conditions 1 through 22 with the following additional condition that a gutter and downspout system will be installed to properly direct rain water from the roof system to the asphalt pavings.

The question was called and the motion CARRIED unanimously.

**B. BDR 99-00097 TREEMONT HEIGHTS**

Request for Design Review approval for a proposed three floor, seven unit attached single family townhouse development on the west side of SW 123rd Avenue, between SW Bruce Avenue and SW Sussex Street. The proposal includes a shared driveway, common area and water quality/detention facility. The site is within the R-2 zone, and is approximately .36 acres in size. Map 1S1-22BB; Tax Lot 4500.

Colin Cooper, Associate Planner, presented a video on Treemont Heights. Mr. Cooper reported the proposal was for seven owner-occupied row homes that were to be placed on the site with a 24- foot access. Parking is provided in an attached garage and on the driveway apron. The site was zoned R2. The surrounding property was zoned R2; to the north there was an existing multi-family residential development; to the south, there another multi-residential facility. Directly to the east was an R7 property; and to the north an R7 property. The site of the proposed development had previously been approved by the Board for a six-unit attached multi-family dwelling. He reported that staff felt the proposal before the Board was a significant design improvement as there is was great deal more character provided on the elevations. Staff was recommending approval with conditions. Mr. Cooper noted that this project had also been before the Board previously, however, the current proposal has been changed since its original submission. The first change was an increase in the number of units, primarily because they were able solve a parking problem that the last developer was unable to do. Secondly, the

applicant has been more creative with their architecture and the elevations. Staff recommended approval of the proposal.

Ms. Crane asked for a color board.

Mr. Lemon asked for clarification regarding references to doors, were garage doors included, or just the main entrance doors? Mr. Cooper responded it was just the main entrance doors. The garage doors were another color, that being the siding color.

DARREL L. PFEIFER, Land Tech Inc., 8835 SW Canyon Drive, stated Mr. Rich Zoucha is the owner and developer and could address any questions. He added that staff did a good job of explaining the project.

Chairman Williams asked Mr. Zoucha to respond to the question regarding the doors.

RICK ZOUCHA, 1245 NW Royal Rose Court, Portland, OR 97229, answered that the entrance doors would be a different color from the garage doors. Originally, they would give them a white base, as the basic trim was white, but they needed to break it up a bit.

In response to Mr. Lemon's question regarding fireplaces in these units, Mr. Zoucha responded that the fireplaces would be natural gas.

Chairman Williams commented there were two elevations with no windows in them. Mr. Zoucha responded that this was overlooked. Land Tech stated it had been one of the suggestions and they were planning on windows.

Mr. Cooper confirmed Mr. Lemon's question and stated it had been addressed in Condition #21. He also responded to Mr. Lemon's inquiry regarding windows stating there would be two on the east and two on the west, more or less depending on the discussion by the Board. Chairman Williams stated he wanted to see many windows.

Regarding Chairman Williams' question regarding light fixtures on the front door, Mr. Zoucha responded that Land Tech wanted a light that would cast light down so as not to interfere with the other neighbors.

Mr. Lemon asked about fencing around the property or lighting of the lots in the back yard. Mr. Zoucha said it would be their goal to have these features but it depended on the Fire Marshal. The applicant's objective was to provide privacy between neighbors, perhaps a 10 foot setback. If there had to be a walkway, possibly 8 feet. Mr. Zoucha noted there was another fence directly behind, but it was their desire for each lot to have its own fence for privacy.

Chairman Williams asked Mr. Cooper if the Fire Marshal had ever mentioned anything about fences before? Mr. Cooper stated the Fire Marshal does have a concern, in order to get access to middle units and that the compromise was to add a gate to gain access.

Chairman Williams commented that there were no drawings for fences, asked for a description of the fence for the record. Is it a 6-foot vinyl or a good neighbor cedar? In response to Mr. Lemon's question, Mr. Zoucha explained it would have a solid look. Chairman Williams requested a picture or a drawing on the back of a paper for the official records.

Ms. Crane asked what color the rock would be. Mr. Zoucha stated he had not chosen one as they had planned not to put the stone out. Mr. Zoucha further clarified that it would look like a white belly band. The decision had been made in order to keep expenses down.

CHARLENE CLARK, 6636 SW Sussex, Beaverton, Oregon 97008, commented that a three story would be going up next to a one story house. She asked how this proposed structure would effect this, noting that the house is a rental.

Mr. Cooper directed the Board to the last sheet in the packet, which was a letter from Ms. Clark. Mr. Cooper also noted that there was over 60 feet of separation between the structures.

In response to Ms. Clark's question regarding the amount of shade, Mr. Cooper stated that there would not be an impact of significance with the summer sun, but in the winter there might be a little bit more of an impact. He stated the City had not actually studied the shade.

Ms. Clark further expressed her concern that there was talk about the building but no concerns of the neighbors that had been expressed in that neighborhood meeting.

Chairman Williams responded that the building has a 60-foot minimum behind the other house before the shadow line would hit the next house. Chairman Williams also stated that according to the maps there is a 24-foot street plus the setback of the building itself with the gable end on the front which would cast a peak shadow.

Ms. Clark stated she was disturbed that the video did not show this. She said that the neighbors were concerned about 123rd Street, that although it is not exceptionally narrow, when cars are parked on either side only one car goes by at a time. Ms. Clark also expressed concern about the following issues: that this was only a three-story building, there were balconies sticking out, there were doors at the garage level, the only place to play was under the balcony, possibility of children falling off balconies, and security.

Mr. Cooper stated he had no other specific comments but did note that the street is 28 feet curb to curb, and this issue was brought up at the first hearing. It does meet all local street standards. He noted rezoning had occurred to create this site, prior to his arrival three years ago, it was one large tax lot, divided and the subject site was rezoned R2 back in 1995 and those issues with regard to increase in density on the site were considered visa vie the local street and there was really no significant issue upon review and the site does has the capacity to accept the seven units.

Mr. Lemon noted that several of the neighbors were concerned about emergency vehicles, and

asked if upon review were these taken into account, i.e. access to fire trucks up and down the street as street parking is allowed on both sides of the street, and also access into the front of the buildings on the property?

Mr. Cooper responded that Tualatin Fire and Rescue was involved with this particular review and they had not made any negative comments with regard to the width of the street. He thought they would prefer to have parking on only one side, however the City standard of 28 feet curb-to-curb with parking on two sides was allowed. He noted that there were different objectives and goals in the world and they don't always meet. This particular local street is common in circumstance to huge areas of Portland where one person has to pull over while the other goes through and a fire truck may not get through very easily. However, this particular project was reviewed and no adverse impact comments were received from the Tualatin Fire and Rescue District.

Chairman Williams closed the public portion of the hearing.

Mr. Lemon MOVED and Mr. Beighley SECONDED a motion to approve BDR 99-00097, Treemont Heights, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated October 14, 1999 including conditions #1 through 21 with the following additions and modifications:

Condition #21 - Be modified to add a sentence at the end that states "At least two windows shall be installed on both the east and west elevations."

Condition #22 - The garage doors shall be painted white to match the building trim.

Condition #23 - A six-foot fence system shall be installed between units. The system shall be approved by the Fire Marshal's office for accessibility. The fencing shall be constructed in accordance with exhibit 6, dated 10/14/99 which was submitted to the BDR this date.

Condition #24 - The stone wainscot system will be replaced with vinyl siding.

The question was called, the motion CARRIED unanimously.

### **APPROVAL OF MINUTES**

Mr. Beighley MOVED and Ms. Crane SECONDED a motion to approve the July 22, 1999, meeting minutes.

The question was called and the motion CARRIED unanimously.

Mr. Beighley MOVED and Ms. Crane SECONDED a motion to approve the September 2, 1999, meeting minutes with the following amendment:



On page 17, there was a question asking if any member of the Board needed additional time to review information considered for that item. A response should be added that there was none.

The question was called and the motion CARRIED with Mr. Lemon abstaining.

**ADJOURNMENT** at 7:50 p.m.